

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**MAC East, LLC,
an Alabama Limited Liability
Corporation,**

PLAINTIFF

vs.

CASE NO. 2:05-cv-1038(F)

**SHONEY'S INC.,
a Tennessee corporation,**

DEFENDANT

RULE 26(f) REPORT OF PARTIES' PLANNING MEETING

Plaintiff and Defendant jointly submit the following proposed Rule 26(f) Report of Parties' Planning Meeting:

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held via e-mail exchanges culminating on December 2, 2005 with Dennis R. Bailey for Plaintiff and Paul O. Woodall and James N. Nolan for Defendant as participants.
2. Pre-Discovery Disclosures. The parties will exchange by December 15, 2005 the information required by Fed. R. Civ. P. 26(a)(1).
3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: depositions of fact witnesses and experts, interrogatories, requests for production, liability, damages and affirmative defenses.

Maximum of 50 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 50 requests for production by each party to any other party. Responses due 30 days after service.

Maximum of 50 requests for admissions by each party to any other party. Responses due 30 days after service.

Maximum of 15 depositions by Plaintiff and 15 by Defendant.

Each deposition limited to maximum of 8 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due: from Plaintiff by February 14, 2006; from Defendant by March 15, 2006. Supplementation under Rule 26(e)(2) due within 30 days thereafter.

4. Other Items. The parties do not request a conference with the Court before entry of the scheduling order. The parties request a pretrial conference 4-6 weeks prior to trial term of August 21, 2006.

Plaintiff should be allowed until February 8, 2006 to join additional parties and/or to amend the pleadings.

Defendant should be allowed until March 8, 2006 to join additional parties and file any cross-claims and/or amend the pleadings.

Discovery deadline will be June 30, 2006.

All potentially dispositive motions should be filed no later than 60 days prior to the pretrial date.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff and Defendant by July 29, 2006.

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by August 21, 2006 and at this time is expected to take approximately 3 days.

Date: December 5, 2005.

S/Dennis R. Bailey
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